

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG**

MERCK SHARP & DOHME CORP.,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC.,

Defendant.

C.A. No. 1:19-cv-101 (IMK)

NOTICE

Plaintiff Merck Sharp & Dohme Corp. (“Plaintiff”) makes this submission to notify the Court and Defendant that it has elected not to assert Claims 4 through 7 of the ’708 patent at trial, to simplify and streamline the presentation of evidence.

Dated: December 2, 2021

Respectfully submitted,

CAREY, DOUGLAS, KESSLER & RUBY, PLLC

/s/ Steven R. Ruby

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Merck Sharp & Dohme Corp.

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

MERCK SHARP & DOHME CORP.

v.
Plaintiff,
C.A. No. 1:19-cv-00101 (IMK)

**MYLAN PHARMACEUTICALS INC.,
and MYLAN INC.**

Defendants.

CERTIFICATE OF SERVICE

I certify that on this 2nd day of December 2021, I electronically filed the foregoing “NOTICE,” with the Clerk of the Court using the CM/ECF system, which will send notice of the same to all counsel of record.

/s/ Steven R. Ruby
Steven R. Ruby (WVSB #10752)